

Issued by the  
**UNITED STATES DISTRICT COURT**

Northern

DISTRICT OF

Ohio

Jane Doe, et al.,

V.

Dean Boland

**SUBPOENA IN A CIVIL CASE**Case Number:<sup>1</sup> 1: 07CV 2787

TO: Don Malarcik, Esq.  
 One Cascade Plaza, Suite 900  
 Akron, OH 44308

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY		COURTROOM
		DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION		DATE AND TIME
		DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Any and all documents, things, exhibits, images, CD's and/or reports prepared by Dean Boland that are in your possession or under your control and if any requested item is no longer in your possession or control a description of the requested item and a statement as to what happened to it.

PLACE	Law Office of Jonathan E. Rosenbaum, 230 Third Street, Suite 104, Elyria, Ohio 44035. You need not appear if you mail the requested with a letter cataloging them	DATE AND TIME
		6/12/2008 9:00 am

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES		DATE AND TIME
		DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)		DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	Jonathan E. Rosenbaum, 230 Third Street, Suite 104, Elyria, Ohio 44035 440-322-7972
	(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## PROOF OF SERVICE

DATE

PLACE

SERVED

Don Marlacik

SERVED ON (PRINT NAME)

certified mail

MANNER OF SERVICE

Jonathan Rosenthal

Attorney

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

7/23/08

DATE

SIGNATURE OF SERVER

230 3rd St, #104

ADDRESS OF SERVER

Elmwood 44035

## Rule 45. Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Don Marlacik, Esq.  
One Cascade Plaza, Suite 900  
Akron, OH 44308

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X (John Thomas)  
John Thomas

Agent  
 Addressee

## B. Received by (Printed Name)

John Thomas

## C. Date of Delivery

5-2-08

shall produce them as item to correspond with

1g electronically stored formation in a form or ms that are reasonably

ne electronically stored

covery of electronically ably accessible because the person from whom ably accessible because ethless order discovery g the limitations of Rule

claim that it is privileged be made expressly and munications, or things est the claim.

it is subject to a claim of king the claim may notify r it. After being notified, rmation and any copies it solved. A receiving party termination of the claim.

d, it must take reasonable preserve the information

## 3. Service Type

Certified Mail  
 Express Mail  
 Registered  
 Return Receipt for Merchandise  
 Insured Mail  
 C.O.D.

## 4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number  
(Transfer from service label)

7004 2510 0005 4217 9760

(i) fails to a  
(ii) requires more than 100 miles fro business in person, exce a person may in order state in which the trial (iii) require waiver applies; or (iv) subject

(B) If a subpo

(i) requires

or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

(c) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).